

information is not believed to be substantively material to the issues of patentability in the present application, Applicant has made a concerted effort to provide any and all material which someone might investigate to see if it were in fact material.

As the material is video material, not textural material, and as this format is the most conventional format for video imaging, it should and must be reviewed by the Examiner. Additionally, the Rules provision, reproduced below in **Appendix I**, applies only to electronic documents, not to video images. The content is not a document, but is a video.

Furthermore, the Examiner crossed off the last page of the IDS submitted by Applicants two hard copy documents submitted with the IDS. That was also error that must be corrected.

Applicants assume the application is now in proper order and in condition for issuance. Please direct any inquiries to the undersigned attorney at (952) 832-9090.

Respectfully submitted,

RODNEY G. JOHNSON

By His Representatives,

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(952) 832-9090

Date: 13 March 2006

By:   
Mark A. Litman

Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop: ISSUE FEE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 13 March 2006.

Mark A. Litman  
Name

  
Signature

## APPENDIX I

### 37 CFR 1.52

(e) *Electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application or reexamination proceeding.*

(1) The following documents may be submitted to the Office on a compact disc in compliance with this paragraph:

(i) A computer program listing (see § 1.96);

(ii) A "Sequence Listing" (submitted under § 1.821(c)); or

(iii) Any individual table (see § 1.58) if the table is more than 50 pages in length, or if the total number of pages of all of the tables in an application exceeds 100 pages in length, where a table page is a page printed on paper in conformance with paragraph (b) of this section and § 1.58(c).

(2) A compact disc as used in this part means a Compact Disc-Read Only Memory (CD-ROM) or a Compact Disc-Recordable (CD-R) in compliance with this paragraph. A CD-ROM is a "read-only" medium on which the data is pressed into the disc so that it cannot be changed or erased. A CD-R is a "write once" medium on which once the data is recorded, it is permanent and cannot be changed or erased.



Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

Docket Number PA0891.ap.US	Serial Number 10/663,436
Applicant(s) Rodney G. Johnson	
Filing Date 9/15/03	Group Art Unit 2653

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE (IF APPROPRIATE)
WJS		1,885,276	11/1/1932	McKay	273	149R	
WJS		2,001,220	5/14/1935	P.C. Smith	273	149	
WJS		2,016,030	10/1/1935	Woodruff et al.	273	149	
WJS		2,778,644, RE 24,986	1/22/1955	Stephenson	273	149	
WJS		2,950,005	8/23/1960	MacDonald	209	74	
WJS		3,595,388	7/27/1971	Castaldi	209	805	
WJS		3,897,954	8/5/1975	Erickson et al.	273	149R	
WJS		4,388,994	6/21/1983	Suda et al.	209	564	
WJS		4,497,488	2/5/1985	Plevyak et al.	273	149R	
WJS		4,512,580	4/23/1985	Matviak	273	148A	
WJS		4,513,969	4/30/1985	Samsel, Jr.	273	149R	
WJS		4,515,367	5/7/1985	Howard	273	149R	
WJS		4,586,712	5/6/1986	Lorber	273	149R	
WJS		4,659,082	4/21/1987	Greenberg	273	149R	
WJS		4,662,637	5/5/1987	Pfeiffer	273	149P	
WJS		4,667,959	5/26/1987	Pfeiffer et al.	273	149R	
WJS		4,759,448	7/26/1988	Kawabata	209	551	
WJS		4,770,421	9/13/1988	Hoffman	273	149R	
WJS		4,807,884	2/28/1989	Breeding	273	149R	
WJS		4,876,000	10/24/1989	Mikhail	209	584	
WJS		4,969,648	11/13/1990	Hollinger et al.	273	149R	
WJS		5,000,453	3/19/1991	Stevens et al.	273	149R	
WJS		5,121,921	6/16/1992	Friedman et al.	273	149R/149P	
WJS		5,240,140	8/31/1993	Huen	221	13	
WJS		5,248,142	9/28/1993	Breeding	273	138R	
WJS		5,356,145	10/18/1994	Verschoor	273	149R	
WJS		5,374,061	12/20/1994	Albrecht	273	149R	
WJS		5,382,024	1/17/1995	Blaha	273	149R	
WJS		5,431,399	7/11/1995	Kelley	273	149P	
WJS		5,605,334	2/25/1997	McCrea, Jr.	273	309	
WJS		5,632,483	5/27/1997	Garczynski et al.	273	148R	
WJS		5,681,039	10/28/1997	Miller	273	148R	
WJS		5,683,085	11/4/1997	Johnson et al.	273	149R	
WJS		5,695,189	12/9/1997	Breeding et al.	273	149R	
WJS	8722	5,722,983	3/3/1998	Hill et al.	463	47	
WJS		5,944,310	8/31/1999	Johnson et al.	273	149R	
WJS		5,989,122	11/23/1999	Roblejo	463	23	
WJS		6,039,650	3/21/2000	Hill	463	47	
WJS		6,068,258	5/30/2000	Breeding et al.	273	149R	
WJS		6,126,166	10/3/2000	Lorson et al.	273	148R	
WJS		6,149,154	11/21/2000	Grauzer et al.	273	149R	
WJS		6,213,310	4/10/2001	Wennersten et al.	209	534	
WJS		6,250,632	6/26/2001	Albrecht	273	149P	

Examiner:

Date Considered: 3/28/05

FEB 19 2004

Page 2 of 2

Substitute for form 1449A/PTO	Docket Number PA0891.ap.US	Serial Number 101663,436
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Applicant(s) Rodney G. Johnson	Filing Date 9/15/03
		Group Art Unit 21653

EXAMINER INITIALS	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE (IF APPROPRIATE)
WJS		6,254,096	7/3/2001	Grauzer et al.	273	149R	
WJS		6,267,248	7/31/2001	Johnson et al.	209	547	

## FOREIGN PATENT DOCUMENTS

## **OTHER DOCUMENTS**

*nyB* | 1/3" B/W CCD Camera Module EB100 by EverFocus Electronics Corp., 7/31/2001, 3 pgs

Examiner:

Date Considered:

3/28/05



**Examiner**

**Date Considered:**

4/4/05



Notice of References Cited	Application/Control No.	Applicant(s)/Patent Under Reexamination	
	10/663,436	JOHNSON, RODNEY G.	
Examiner	Mark J. Beauchaine	Art Unit	3653

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,117,012	09-2000	McCrea, Jr., Charles H.	463/27
*	B	US-5,989,122	11-1999	Roblejo, Conrad	463/22
*	C	US-5,584,483	12-1996	Sines et al.	273/149R
*	D	US-5,431,399	07-1995	Kelley, Kalon L.	273/149P
*	E	US-4,832,342	05-1989	Plevyak et al.	273/149R
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

#### NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



## Office Action Summary

Application No.	Applicant(s)	
10/663,436	JOHNSON, RODNEY G.	
Examiner	Art Unit	
Mark J. Beauchaine	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 15 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-33 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. 09/380,943.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 2/11/04&30/8/04.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement filed 11 February 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the documents fail to comply with 37 CFR 1.52(e)(3)(i). Specifically, files on the compact discs are not in American Code for Information Interchange (ASCII).

They have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing elements will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the term "moving cards" is language suitable to a method claim rather than to said apparatus claim. The term "capable of moving" would be acceptable language.

Regarding claim 31, said claim is redundant to preceding claim 30.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-19, 22-24, 32 and 33 are rejected under 35 U.S.C. 102(a) as being anticipated by Patent Number 5,989,122 by Roblejo. The card randomizing apparatus disclosed by Roblejo incorporates holder 12, stacking means 21 and reader 14 that read on the Applicant's holding area, collecting area and sensor, respectively. Furthermore, said apparatus of the '122 patent is able to "determine the identity of the playing cards [that] can be unmarked" (column 3, lines 18 plus) and "randomize the order of cards" (column 3, lines 34 plus).

Regarding claims 13-19, control means 11 of said '122 patent reads on the Applicant's microprocessor.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 21 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over said '122 patent as explained above, and further in view of Patent Number 5,431,399 by Kelley. Although the '122 patent fails to disclose a card data display the use of such displays to provide a user with card information is well known in the art. The '399 patent teaches a card shuffling apparatus that includes display 6 that reads on the Applicant's display. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the card data display of the '399 patent into the card randomizing apparatus disclosed by the '122 patent to provide the user with card-related information.

***Conclusion***

The following related art made of record and not relied upon is considered pertinent to applicant's disclosure:

Patent Number 6,117,012 by McCrea, Jr. because of its shuffler 240,  
Patent Number 5,584,483 by Sines et al because of its visual display 460, and

Patent Number 4,832,342 by Plevyak et al because of its feed wheel 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (703)308-6336. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjb

  
DONALD P. WALSH  
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TECHNOLOGY CENTER 2600